

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

NOTICE OF DEPOSITION

To: Mark A. Olthoff
POL SINELLI SHUGHART PC
1700 Twelve Wyandotte Plaza
120 West 12th Street
Kansas City, Missouri 64105-1929

Attorneys for Defendant Countrywide Home Loans, Inc.

YOU ARE HEREBY NOTIFIED that pursuant to Federal Rule of Civil Procedure 30(b)(6), Countrywide Home Loans, Inc. n/k/a BAC Home Loan Servicing, L.P. (according to its Supplemental Rule 26(a) Disclosures) shall designate one or more persons to testify on its behalf with respect to the matters set forth in **Exhibit A**. The deposition will be recorded by stenographic means and will be used in the above-entitled cause on the part of Plaintiffs and the Class. The deposition will be taken at **Walters, Bender, Strohbehn & Vaughan, P.C., 2500 City Center Square, 1100 Main Street, Kansas City, Missouri 64105 on June 25, 2012 at 9:00 a.m.** and shall continue thereafter from day to day until concluded. You are further advised that given the

scope of Plaintiffs' claims, the anticipated number of representatives to testify, and the number of matters upon which examination is requested, the deposition may continue on June 26, 2012.

A list of the matters upon which the representative(s) will be examined is attached as **Exhibit A**.

Dated: June 8, 2012

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By: /s/ R. Frederick Walters
R. Frederick Walters – Mo. Bar 25069
J. Michael Vaughan Mo. – Bar 24989
Kip D. Richards – Mo. Bar 39743
David M. Skeens – Mo. Bar 35728
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Kansas City, MO 64196
(816) 421-6620
(816) 421-4747 (Facsimile)
**ATTORNEYS FOR PLAINTIFFS
AND CLASS COUNSEL**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 8th day of June, 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants.

/s/ R. Frederick Walters

EXHIBIT A

DEFINITIONS

1. **Countrywide Home Loans, Inc., You or Your.** The name “Countrywide Home Loans, Inc.,” “You,” and “your,” shall refer individually and collectively to the Defendant Countrywide Home Loans, Inc., its officers, directors, employees, attorneys, investigators or other representatives or agents, and to any merged, consolidated or acquired predecessor or successor corporation or entity related to Countrywide Home Loans, Inc., including Countrywide Home Loan Servicing, L.P. n/k/a BAC Home Loan Servicing, L.P., and includes all employers of all persons executing any verification pages on interrogatories propounded by Plaintiffs to Countrywide Home Loans, Inc., or any persons previously appearing for a deposition in this matter on behalf of Countrywide Home Loans, Inc.

2. **Class Members’ Loans.** The term “Class Members’ Loans” means those second mortgage loans secured by an interest in residential real estate in Missouri that was (1) originated by Preferred Credit Corporation (f/k/a Preferred Mortgage Corp.) (a/k/a T.A.R. Preferred Credit) (a/k/a T.A.R. Preferred Mortgage Corporation) and (2) was purchased, received by assignment, otherwise acquired by, or serviced by Countrywide Home Loans, Inc., and will include those loans identified by you in your answers to Plaintiffs’ Interrogatories.

3. **Preferred Credit Corporation.** The term “Preferred Credit Corporation” includes Preferred Credit Corporation, Preferred Mortgage Corp., T.A.R. Preferred Credit, and T.A.R. Preferred Mortgage Corporation.

MATTERS UPON WHICH EXAMINATION IS REQUESTED

Responses to Plaintiffs' Discovery

1. Countrywide Home Loans, Inc.'s disclosures and responses to Plaintiffs' interrogatories and request for production of documents, including any amended and supplemental responses thereto.

Your Corporate Structure and Organization

2. The names and organization of all entities through which You acquired, serviced or sub-serviced the Class Members' Loans.

3. The corporate organization or structure that includes Countrywide Home Loans, Inc. and any successors thereto, including BAC Home Loan Servicing, L.P.

Record Retention and Authentication

4. With respect to the documents and records requested by Plaintiffs in this lawsuit: (a) the existence and whereabouts of all requested documents and records; (b) your search for all documents and records; (c) persons with responsibility for the search for responsive documents and records; and (d) the identity(ies) of all custodians of documents.

5. With respect to the loan files and loan payment histories for the Class Members' Loans: (a) their past and current existence; (b) their past and current whereabouts; (c) your search for the loan files and loan payment histories for the Class Members' Loans; (d) persons with responsibility for the search for the loan files and loan payment histories for the Class Members' Loans; and (e) the identity(ies) of all custodians of the Class Members' loan files and loan payment histories.

6. With respect to all documents and records concerning your relationship and agreements with any of the Defendants in this lawsuit, including Preferred Credit Corporation:

(a) their past and current existence; (b) their past and current whereabouts; (c) your search for all documents and records concerning your relationship and agreements with any of the Defendants in this lawsuit, including Preferred Credit Corporation; (d) persons with responsibility for the search for all documents and records concerning your relationship and agreements with Preferred Credit Corporation; and (e) the identity(ies) of all custodians of all documents and records concerning your relationship and agreements with any of the Defendants in this lawsuit, including Preferred Credit Corporation.

7. Your record retention requirements, record keeping system(s) and document/information-retention policies including, without limitation, the method(s) by which You kept or maintained the documents and electronic data generated in connection with Your purchase and ownership of the Class Members' Loans.

State Licensure

8. Your license in Missouri, or any license exemption in the State of Missouri, which permits You to originate, acquire, service and/or sub-service mortgage loans.

Agreements with the Defendants and/or the Originating Lender

9. All servicing and/or subservicing agreements related to the Class Members' Loans to which you were a party.

10. Any other agreement, and any amendments thereto, through which You serviced, sub-serviced or purchased, received by assignment, or otherwise acquired loans originated by Preferred Credit Corporation.

11. Your relationship with the defendants in this lawsuit, including Preferred Credit Corporation, including the nature of all agreements, amendments to agreements, or commitments

to purchase, with respect to the servicing, sub-servicing, origination, purchase and/or sale of mortgage loans.

Loan Investors

12. The identities of the Investors on the Class Members' Loans.

13. All services performed by you for or for the benefit of the Investors on the Class Members' Loans, including the disbursement and payment of monies to any Master Servicers or the Investors on the Class Members' Loans.

Loan Servicing and Sub-Servicing

14. The loan securitizations involving the Class Members' Loans, including any Closing Documents, Prospectuses or Prospectus Supplements related to the Class Member's Loans.

15. The servicing and/or sub-servicing of the Class Members' Loans, including the identities and descriptions of any operations or actions performed with respect to the Class Members' Loans by any "servicer," "master servicer" or "subservicer."

16. The agreements, and amendments thereto, which relate to or govern the servicing or sub-servicing of the Class Members' Loans and the acquisition or transfer of the servicing rights to the Class Members' Loans.

17. The loan payment or loan servicing histories for the Class Members' Loans.

18. The identification of Your policies and procedures, the documents or records which You relied upon, and the computer programs, Internet-based services or other applications that were used by You or that were relied upon by You to satisfy any due diligence or compliance requirement, or to perform such functions for You, in connection with Your servicing or sub-servicing of mortgage loans, including the Class Members' Loans.

19. The creation, maintenance and use of electronic records by You in connection with the servicing or sub-servicing of the Class Members' loans, including the meaning, interpretation and authentication of all loan payment and collection summaries or histories, including all summaries or reproductions of such electronic records produced by You.

20. Your use and reliance upon any electronic records of loan payments or loan payment or collection histories or summaries which were created, maintained or used by any entity servicing or sub-servicing the Class Members' loans prior to You, including the interpretation and authentication of such summaries or reproductions of such electronic records.

21. Access to, use and electronic copies of the electronic data that makes up the loan payment histories with respect to the Class Members' Loans.

22. Definitions, keys, lists of possible reports, or sorts of such data or other information necessary to understand the electronic data maintained by You or any prior servicers with respect to the Class Member's Loans, including the interpretation and authentication of such information.

23. The data and documents that were provided to You and/or required by You at the time of or in connection your acquisition of the right and obligation to service the loans.

24. All documents and data concerning the Class members' loans that You reviewed and/or relied upon in connection with your servicing or sub-servicing of the Class members' loans.

Audits and Loan Repurchases

25. Any audits of You or your operations performed by You, a third party retained by

You, a third party not retained by You, or any state or federal regulator.

Documents Produced by You

26. The documents produced by You in this lawsuit.

Joint Defense Agreements

27. Your agreements, if any, with any other Defendant or Defendants related to the defense of this lawsuit.

Third Party Services in Connection with the Servicing or Sub-Servicing of Mortgage Loans

28. The services performed by any third parties or consultants in connection with your servicing of the Class Members' loans or any loans originated by Preferred Credit Corporation, including the nature of any independent audits, accountings, reports or due diligence or compliance services that were performed for you or that you reviewed or relied upon in connection with your servicing or sub-servicing of the Class Members' Loans or any loans originated by Preferred Credit Corporation.

Representations and Warranties

29. Any representations and/or warranties made by any of the Defendants, or any other entity, including Preferred Credit Corporation, connection with your servicing or sub-servicing of the Class Members' loans.

30. The identification of all of Your policies and procedures, all documents or records which You relied upon, and all computer programs, Internet-based services or other applications that were used by You or that You relied upon in connection with your reliance on the representations and/or warranties made by any of the Defendants, or any other entity, including Preferred Credit Corporation, connection with your servicing or sub-servicing of the Class Members' loans.

31. Your contention, if any, that any of the Defendants, or any other entity, including Preferred Credit Corporation, breached or violated any representation or warranty made to You pursuant to any asset or mortgage loan purchase agreement between You and Preferred Credit Corporation.

32. Any claims or demands for indemnity or contribution made by You in connection with or as a result of this lawsuit.

Compliance and Due Diligence

33. Your due diligence and compliance review of loans in connection with the servicing or sub-servicing of loans, including the Class Members' Loans.

34. The policies and procedures used by You or relied upon by You, including your use of any computer programs, Internet-based services or other applications to determine whether the loans that You serviced complied with any applicable state or federal laws.

35. Your policies and procedures, the documents or records which You relied upon, and all computer programs, Internet-based services or other applications that were used by You or that were relied upon by You to determine whether the originating lender, including Preferred Credit Corporation, charged, contracted for and/or received any closing cost or settlement charge not permitted or authorized by state law, including Missouri law, in connection with the mortgage loans that You acquired or serviced, including loans originated by Preferred Credit Corporation and the Class Members' Loans.

36. Your policies and procedures, the documents or records which You relied upon, and all computer programs, Internet-based services or other applications that were used by You or that were relied upon by You to determine whether the originating lender, including Preferred Credit Corporation, charged, contracted for and/or received any closing cost or settlement charge

not permitted or authorized by Missouri law in connection with the mortgage loans that You acquired or serviced, including loans originated by Preferred Credit Corporation and the Class Members' Loans.

37. The identification and/or use of any policies, guidelines, or procedures, computer programs, internet-based applications or charts that You used or relied upon to determine whether the settlement charges and fees charged on the Class Members' Loans complied with Missouri state law or regulation.

38. The identity, use and whereabouts of any charts, matrix or matrices, schedules, summary, publications, resource materials or other documents, including all computer programs, Internet-based services, and electronic applications and mechanism, used by You or relied upon by You or that You consulted in conjunction with Your servicing or sub-servicing of any loans to determine whether the originating lender, including Preferred Credit Corporation, charged, contracted for and/or received any closing cost or settlement charge not permitted or authorized by state law, including Missouri law, originated by Preferred Credit Corporation, including the Class Members' Loans.

Other Litigation

39. Other litigation to which you are a party related to your acquisition, servicing or sub-servicing of mortgage loans.